

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number <b>Q79501</b>	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	Filed	
	<b>10/766,834</b>	<b>January 30, 2004</b>	
	First Named Inventor		
	<b>Patrick BERGEOT</b>		
	Art Unit	Examiner	
	<b>2144</b>	<b>Umar Cheema</b>	
<p style="text-align: center;">WASHINGTON OFFICE <b>23373</b> CUSTOMER NUMBER</p>			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record.</p> <p>Registration number      <u>59,043</u></p> <p style="text-align: right;"><u>/Mark E. Wallerson/</u> Signature</p> <p style="text-align: right;"><u>Mark E. Wallerson</u> Typed or printed name</p> <p style="text-align: right;"><u>(202) 293-7060</u> Telephone number</p> <p style="text-align: right;"><u>July 25, 2008</u> Date</p>			

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q79501

Patrick BERGEOT, et al.

Appln. No.: 10/766,834

Group Art Unit: 2144

Confirmation No.: 3848

Examiner: Umar Cheema

Filed: January 30, 2004

For: AN IMPROVED DEVICE FOR THE CONTROL OF HETEROGENEOUS EQUIPMENT IN A  
TELECOMMUNICATION NETWORK

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**MAIL STOP AF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated March 19, 2008, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claims 1-25 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayball et al. (U.S. Patent No. 6,233,610, hereafter "Hayball") in view of Wilson (U.S. Patent Application Publication No. 2002/0029298).

In the previous Amendment filed on December 7, 2007, Applicant submitted that there is no teaching or suggestion in Hayball of the feature "a management device or arrangement (D) for a communication network (N) which includes a multiplicity of equipment elements (NE-ij), each associated with a primary data management protocol", as recited in independent claim 1. Applicant submitted that although the Examiner cited the Abstract, and column 4, lines 29-31 and lines 48-65 of Hayball as allegedly disclosing this feature of the claim, these cited portions of Hayball merely disclose a communications network, which comprises a plurality of distributed physical resources,

wherein a network management system of such a network comprises an application level which represents the functionality of a plurality of different composites being hardware and/or software components of different proprietary manufacture and different function capability, and an implementation level which implements control of the composites. The application level is subdivided into a plurality of application level elements each of which correspond to a function capability of a composite or system, a system being a highest level of composite. However, nowhere does this cited portion (or any other portion) of Hayball disclose a multiplicity of equipment elements is each associated with a primary data management protocol", as recited in independent claim 1.

In response, the Examiner merely regurgitates the original rejection and asserts:

"a multiplicity of equipment elements is each associated with a primary data management protocol (see Hayball: abstract, col. 4, lines 29-31, 48-65; managing a network having a plurality of distributed components and systems and plurality of application level elements each of which correspond to a function capability of a composite or system, a system being a highest level of composite)".<sup>2</sup>

Applicant respectfully disagrees with the Examiner's position. Nowhere in the Examiner's response does the Examiner indicate with any specificity how the claimed feature "a multiplicity of equipment elements is each associated with a primary data management protocol", reads on the disclosure in the Abstract and column 4, lines 29-31 and lines 48-65 of Hayball.

These cited portions of Hayball merely disclose that plural components of a network are manageable by a discrete unit of management functionality. However, nowhere do these cited portions of Hayball teach or suggest "a multiplicity of equipment elements is each associated with a primary data management protocol", as recited in the claims.

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<sup>2</sup> Pages 10-11 of the Office Action dated March 19, 2008.

In the previous Amendment, Applicant further submitted that there is no teaching or suggestion in Hayball of “mediation means (MM) coupled to said equipment elements (NE-ij) and to functional interface means (MIF) and system interface means (MIS) coupled to a network management system”, as recited in independent claim 1.

In response, the Examiner again cites column 3, lines 54-65 of Hayball as allegedly disclosing this feature of the claim. Additionally, the Examiner appears to be changing the rejection by now citing the Abstract of Hayball and paragraph [0008] of Wilson as allegedly disclosing this feature of the claim.<sup>3</sup> Nevertheless, Applicant again respectfully disagrees with the Examiner’s position.

First, column 3, lines 54-65 of Hayball merely discloses a management information base in the form of a data storage device storing electronic data signals which describe network elements of the network, their interconnections, and the services and protocols supported by these network elements. Applicant respectfully submits that this cited portion of Hayball has little or no relevance to the claimed feature.

Second, paragraph [0008] of Wilson discloses a managing system which manages a number of managed systems via a number of mediating managed systems, wherein management operations addressing managed objects are sent over a management interface. Nowhere does this cited portion (or any other portion) of Wilson teach or suggest “mediation means (MM) coupled to said equipment elements (NE-ij) and to functional interface means (MIF) and system interface means (MIS) coupled to a network management system”, as recited in independent claim 1.

In the previous Amendment, Applicant submitted that there is no teaching or suggestion in Hayball of “protocol adaptation modules (Pa-j) in number at least equal to the number of

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<sup>3</sup> Page 11 of the Office Action.

management protocols associated with said equipment elements”, as recited in independent claim 1. Applicant argued that column 3, lines 60-65 of Hayball which the Examiner cited as allegedly disclosing this feature of the claim, merely discloses a conventional management system which comprises a management information base in the form of a data storage device storing electronic data signals describing network elements, their interconnections, and the services and protocols supported by these network elements.

In response, the Examiner merely regurgitates the previous rejection.<sup>4</sup> The instant invention discloses protocol adaptation modules equal in number to at least the number of management protocols associated with the equipment elements, wherein the protocol adaptation modules convert primary data coming from an equipment element into secondary data according to a management protocol, and similarly converts secondary data intended for an equipment element into primary data according to a management protocol used by the equipment element. Applicant respectfully submits that this feature is neither taught nor suggested by the cited references.

In the previous Amendment, Applicant submitted that there is no teaching or suggestion in Hayball of protocol adaptation modules which “convert primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM), and ii) to convert secondary data, intended for an equipment element (NE-ij), into primary data in accordance with a management protocol adapted to said equipment element” and the feature “mediation means (MM) are arranged, on receipt of the primary or secondary data, to determine the associated equipment element (NE-ij) and then to feed the protocol adaptation modules (Pa-j) corresponding to said determined equipment element”, as recited in the claim.

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<sup>4</sup> Page 11 of the Office Action.

In response, the Examiner merely repeats the rejection of the previous Office Action. Nevertheless, as discussed above, Applicant again submits that this feature of the claim is neither taught nor suggested by the cited references.

Accordingly, Applicant respectfully submits that claim 1 should be allowable because the cited references do not teach or suggest all of the features of the claims. Claims 2-25 should also be allowable at least by virtue of their dependency on independent claim 1.

Respectfully submitted,

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